

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SMARTPHONE TECHNOLOGIES LLC,

Plaintiff,

v.

ZTE CORPORATION
ZTE (USA), INC., and
ZTE SOLUTIONS, INC.

Defendants.

CIVIL ACTION NO. 6:12-cv-350

SMARTPHONE TECHNOLOGIES LLC,

Plaintiff,

v.

ZTE CORPORATION AND
ZTE (USA), INC.,

Defendants.

CIVIL ACTION NO. 6:14-cv-147

AGREED MOTION TO DISMISS

SmartPhone Technologies LLC (“SmartPhone”) and Defendants ZTE Corporation, ZTE Solutions, Inc., and ZTE (USA), Inc. (collectively, “ZTE”) jointly move the Court pursuant to Fed. R. Civ. P. 41(a)(2) and (c) to dismiss with prejudice from the above-entitled and numbered causes any and all claims by SmartPhone against ZTE, and to dismiss without prejudice all counterclaims by ZTE against SmartPhone. Each party shall bear its own costs and attorneys’ fees. A proposed order is attached as Exhibit A.

Dated: August 19, 2014

Respectfully submitted,

<p>/s/ <u>Edward R. Nelson, III</u> Edward R. Nelson, III enelson@nbclaw.net Texas State Bar No. 00797142 Christie B. Lindsey clindsey@nbclaw.net Texas State Bar No. 24041918 S. Brannon Latimer blatimer@nbclaw.net Texas State Bar No. 24060137 NELSON BUMGARDNER CASTO, P.C. 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107 Phone: (817) 377-9111 Fax: (817) 377-3485</p> <p>Anthony G. Simon asimon@simonlawpc.com Michael P. Kella mkella@simonlawpc.com THE SIMON LAW FIRM 800 Market Street, Suite 1700 St. Louis, MO 63101 Phone: (314) 241-2929</p> <p>T. John Ward, Jr. Texas State Bar No. 00794818 J. Wesley Hill Texas State Bar No. 24032294 WARD & SMITH LAW FIRM P.O. Box 1231 1127 Judson Rd. Ste. 220 Longview, Texas 75606-1231 (903) 757-6400 jw@wsfirm.com wh@wsfirm.com</p>	<p>/s/ <u>Henry A. Petri, Jr.</u> Gregory V. Novak Texas State Bar No. 15119600 Henry A. Petri, Jr. Texas State Bar No. 15850600 NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP 1000 Louisiana Street, 53rd Floor Houston, TX 77002 P. 713-571-3400 F. 713-456-2836 gregory.novak@novakdruce.com henry.petri@novakdruce.com</p> <p>ATTORNEYS FOR DEFENDANTS</p> <p>ATTORNEYS FOR PLAINTIFF</p>
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CERTIFICATE OF SERVICE

The undersigned certifies that on August 19, 2014, the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who consent to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Edward R. Nelson
Edward R. Nelson, III